



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466  
<http://www.epa.gov/region08>

SDMS Document ID



1008517

JUL 3 - 2001

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

8ENF-L

J. Landis Martin, President  
NL Industries, Inc.  
16825 Northchase Drive, Suite 1200  
Houston, TX 77060

**PUBLIC  
DOCUMENT**

Re: Request for Information Pursuant to Section 104  
of CERCLA for the Rico-Argentine Site Located  
Near Rico, Colorado

Dear Mr. Martin:

On March 7, 2001, the United States Environmental Protection Agency ("EPA") sent you a request for information pursuant to Section 104 of CERCLA for the Rico-Argentine Site located near Rico, Colorado (the "Site"). The request specified a 30-day time period for response. On April 9, 2001, Marcus Martin requested a 30-day extension on behalf of NL Industries, Inc. ("NL"). David Broste of my staff granted the extension. EPA Region 8 received NL's "response" on May 15, 2001.

NL's response to EPA's information request consisted primarily of objections to the request on the bases that the requested information exceeded EPA's statutory authority and was vague, overly broad, unduly burdensome and intended to harass NL. NL's response consisted of a 2½ page response, consisting mostly of NL's objections, and 14 documents, consisting primarily of several Rico Mining and Reduction Company corporate documents and of reproductions of pages from the Mines Handbook. NL provided virtually no information or relevant documentation in response to EPA's Section 104(e) request.

Section 104(e)(2) of CERCLA (42 U.S.C. § 9604(e)(2)) states:

Any officer, employee, or representative described in paragraph (1) may require any person who has or may have information relevant to any of the following to furnish, upon reasonable notice, information or documents relating to such matter:



Printed on Recycled Paper

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

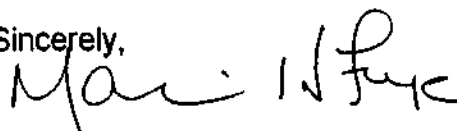
EPA's March 7, 2001 information request to NL requested information and documents clearly relevant to the subject matter set forth in Section 104(e)(2)(A)-(C), 42 U.S.C. § 9604(e)(2)(A)-(C). The requested information is needed to enable EPA to formulate an adequate and proper response to the release and threatened release of hazardous substances at the Site.

This is to advise you that EPA has determined that your response to the March 7, 2001 information request is inadequate. Please provide the information and documentation requested in the March 7, 2001 information request immediately. NL's failure to respond to the request immediately and fully may result in a referral to the United States Department of Justice requesting injunctive relief and civil penalties pursuant to the authority of Section 104(e)(5)(B) of CERCLA, 42 U.S.C. § 9604(e)(5)(B). If you have any questions, please contact Sheldon Muller, Enforcement Attorney, at (303) 312-6916.

**Your response should be mailed to:**

**David L. Broste (8ENF-T)  
U.S. Environmental Protection Agency, Region VIII  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466**

Sincerely,



for Sharon Kercher, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice



Printed on Recycled Paper